

House Bill 841 (AS PASSED HOUSE AND SENATE)

By: Representatives Knight of the 126th and Lunsford of the 110th

A BILL TO BE ENTITLED
AN ACT

1 To create a joint county-municipal board of elections and registration for Butts County and
2 provide for its powers and duties; to provide for the composition of the board and the method
3 of appointment, qualification, and terms of its members; to provide for resignation,
4 succession, and removal of members and for filling vacancies; to provide for oaths and
5 privileges; to relieve certain boards and officers of certain powers and duties and provide for
6 the transfer of certain items to the newly created board; to abolish a certain board and office;
7 to provide for the board's organization, powers, and duties; to provide for the chairperson and
8 the powers and duties of such chairperson; to provide for an election supervisor; to provide
9 for board employees and their compensation; to provide for expenditures of public funds for
10 certain purposes; to provide for compensation of the chairperson and members of the board;
11 to provide for offices and equipment; to provide for the meaning of certain terms; to provide
12 for related matters; to provide an effective date; to repeal an Act approved April 6, 2004
13 (Ga. L. 2004, p. 3525); to repeal conflicting laws; and for other purposes.

14 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

15 **SECTION 1.**

16 Pursuant to subsection (b) of Code Section 21-2-45 of the O.C.G.A., there is created the
17 Municipal-County Board of Elections and Registration of Butts County. The board shall be
18 a successor to the Butts County Board of Elections and Registration created by an Act
19 approved April 6, 2004 (Ga. L. 2004, p. 3525). The board shall have the powers and duties
20 of the election superintendent of Butts County and the election superintendents of the City
21 of Jackson, the City of Jenkinsburg, and the City of Flovilla, relating to the conduct of
22 primaries and elections, and shall have the powers and duties of the board of registrars of
23 Butts County and the registrars of the City of Jackson, the City of Jenkinsburg, and the City
24 of Flovilla, relating to the registration of voters and absentee balloting procedures.

SECTION 2.

(a) The board shall be composed of five members, each of whom shall be an elector and resident of Butts County. Two members of the board shall be appointed by the Board of Commissioners of Butts County. One member of the board shall be appointed by the governing authority of the City of Jackson. One member of the board shall be appointed by the governing authority of the City of Jenkinsburg. One member of the board shall be appointed by the governing authority of the City of Flovilla. The Municipal-County Board of Elections and Registration of Butts County shall select a chairperson from among its members.

(b) The terms of office of the initial members appointed under this Act shall begin on July 1, 2009. One of the members appointed by the Board of Commissioners of Butts County shall serve a term of office which shall expire June 30, 2011, and upon the appointment and qualification of his or her successor. The other member appointed by the Board of Commissioners of Butts County shall serve a term of office which shall expire June 30, 2013, and upon the appointment and qualification of his or her successor. The term of office of the initial member of the board appointed by the governing authority of the City of Jackson shall expire on June 30, 2011, and upon the appointment and qualification of his or her successor. The terms of office of the initial members of the board appointed by the governing authority of the City of Jenkinsburg and the governing authority of the City of Flovilla shall expire on June 30, 2013, and upon the appointment and qualification of their respective successors. Successors to members of the board whose terms of office are to expire shall be appointed to take office on the first day of July immediately following the expiration of such terms of office and shall serve for terms of four years each and until their successors are duly appointed and qualified.

(c) No person who holds public office, whether elective or appointive, shall be eligible to serve as a member during the term of such office, and the position of any member shall be deemed vacant upon such member's qualifying as a candidate for elective public office or appointment to public office.

(d) No person who is employed by Butts County or the Cities of Jackson, Jenkinsburg, or Flovilla, other than as a member of the board, shall be eligible to serve as a member of the board while so employed, and the position of any member shall be deemed vacant upon such member becoming employed by Butts County or the Cities of Jackson, Jenkinsburg, or Flovilla in any capacity other than as a board member.

SECTION 3.

(a) Each appointing authority shall certify the appointment of each member of the board to the clerk of the Superior Court of Butts County by filing an affidavit stating the name and

residential address of the person appointed and that such member has been duly appointed as provided in this Act. In addition, upon the board selecting a chairperson, the board shall file an affidavit with the clerk of the Superior Court of Butts County specifying the name of the person so selected as chairperson. The clerk of the Superior Court of Butts County shall record each such certification on the minutes of the court and shall certify the name of each such member to the Secretary of State and provide for the issuance of appropriate commissions to the members within the same time and in the same manner as provided by law for registrars.

(b) If an appointing authority does not, in conformity with this Act, certify an appointment to the board within 30 days after the beginning of a term of office or within 30 days after the creation of a vacancy in that office, the chief judge of the Superior Court of Butts County shall immediately fill that vacancy by making the appointment thereto and shall certify it as provided in this section. Any person appointed to fill a vacancy shall serve out the unexpired term of office.

SECTION 4.

Each member of the board shall be eligible to succeed himself or herself without limitation and shall have the right to resign at any time by giving written notice of his or her resignation to the governing authority by whom such member was appointed and to the clerk of the Superior Court of Butts County. A member shall be subject to removal from the board by the governing authority by whom such member was appointed at any time for cause after notice and hearing.

SECTION 5.

Except as provided in subsection (b) of Section 3 of this Act, in the event a vacancy occurs in the office of any member of the board by removal, death, resignation, or otherwise, except by expiration of term, the appointing authority who made the original appointment of such member shall appoint a successor for the remainder of the unexpired term. The clerk of the Superior Court of Butts County shall be notified of interim appointments and record and certify such appointments in the same manner as the regular appointment of members.

SECTION 6.

Before entering upon his or her duties, each member of the board shall take substantially the same oath as required by law for county registrars. Each member of the board shall have the same privileges from arrest as registrars.

SECTION 7.

On July 1, 2009, the Butts County Board of Elections and Registration created by an Act approved April 6, 2004 (Ga. L. 2004, p. 3525), shall be relieved of all powers and duties to which the Municipal-County Board of Elections and Registration of Butts County succeeds under the provisions of this Act and shall deliver thereafter to the Municipal-County Board of Elections and Registration of Butts County the custody of all equipment, supplies, materials, books, papers, records, and facilities of every kind pertaining to such powers and duties. Also, at such time, the Butts County Board of Elections and Registration created by an Act approved April 6, 2004 (Ga. L. 2004, p. 3525), shall be abolished, and the terms of the members thereof shall terminate. In addition, the election superintendents and registrars of the City of Jackson, the City of Jenkinsburg, and the City of Flovilla shall deliver to the Municipal-County Board of Elections and Registration of Butts County on such date the custody of all equipment, supplies, materials, books, papers, records, and facilities of every kind pertaining to such powers and duties.

SECTION 8.

(a) The board shall be authorized to organize itself, elect its officers, determine its procedural rules and regulations, adopt bylaws, specify the functions and duties of its employees, and otherwise take such action as is appropriate for the management of the affairs committed to its supervision; provided, however, that no such action shall conflict with state law.

(b) Action and decision by the board shall be by a majority of the members of the board.

SECTION 9.

(a) The board shall fix and establish, by appropriate resolution entered on its minutes, directives governing the execution of matters within its jurisdiction. The board shall hold regular monthly meetings at the county administration building or other public building in Butts County selected by the board. Any specially called meeting, held pursuant to the bylaws adopted by the board, shall be held only after written notification of the time and place of the holding of such meeting has been communicated in writing to the person designated by the county governing authority to provide public information. All meetings of the board, without limitation, shall be open to the public.

(b) The board shall maintain a written record of policy decisions that shall be amended to include additions or deletions. Such written records shall be made available for the public to review.

SECTION 10.

The board shall be authorized to appoint an election supervisor to generally supervise, direct, and control the administration of the affairs of the board pursuant to law and duly adopted resolutions of the board. The election supervisor shall not be a member of the board or an elected official. The election supervisor shall be considered an employee of Butts County and shall be entitled to the same benefits as other employees of Butts County.

SECTION 11.

With the consent of the governing authority of Butts County, the board shall be authorized to employ such full-time and part-time employees as deemed necessary for the efficient conduct of elections, primaries, and registration of electors. Such employees shall be considered employees of Butts County.

SECTION 12.

With the consent of the governing authority of Butts County, the board of elections and registration shall be authorized to expend public funds for the purpose of distributing sample ballots, voter information booklets, and other material designed to inform and instruct adequately the electors of the county with regard to elections. No material distributed by the board shall contain or express, in any manner or form, any commentary or expression of opinion or request for support with respect to any political issue or matter of political concern.

SECTION 13.

Compensation for the members of the board, employees of the board, and the chairperson of the board shall be recommended by the board to the governing authority of Butts County and shall be subject to the approval of the governing authority. Such compensation shall be paid from county funds.

SECTION 14.

(a) The governing authority of Butts County shall provide the board and the elections supervisor with proper and suitable offices and equipment. The office of the board shall maintain an office open to the public during normal hours for five days a week.

(b) Except as otherwise provided by law, the cost of primaries and elections held for county, state, and federal offices and county and state questions shall be paid by Butts County from county funds. The cost of elections held for the Cities of Jackson, Jenkinsburg, and Flovilla shall be paid by the city for which the election is conducted from that city's funds.

158 **SECTION 15.**

159 For the purposes of this Act, the terms "election," "elector," "political party," "primary,"
160 "public office," "special election," and "special primary" shall have the same meanings
161 ascribed to those terms by Code Section 21-2-2 of the O.C.G.A., unless otherwise clearly
162 apparent from the text of this Act. The term "board" means the Municipal-County Board of
163 Elections and Registration of Butts County created by this Act, and the term "governing
164 authority of Butts County" means the Board of Commissioners of Butts County.

165 **SECTION 16.**

166 An Act approved April 6, 2004 (Ga. L. 2004, p. 3525), is hereby repealed in its entirety.

167 **SECTION 17.**

168 This Act shall become effective upon its approval by the Governor or upon its becoming law
169 without such approval.

170 **SECTION 19.**

171 All laws and parts of laws in conflict with this Act are repealed.